IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE R.SUBHASH REDDY

WRIT PETITION NO. 19337 OF 2006

Dated: September 20, 2006

Between:

M.R. Murthy

Petitioner

AND

The Depot Manager,
A.P. State Road Transport Corporation,
Tadipatri Depot, Ananthapur Dist.

Respondent

ORAL ORDER:

At the request of learned counsel appearing for the parties, this writ petition is taken up for hearing, as similar matters were disposed of by this court.

In this writ petition, the petitioner questioned the proceedings No.02/62(259)/91 TDP dated 25.01.1992, passed in disciplinary proceedings, by which, punishment

of withholding of one increment of the petitioner, for the period of one year, which shall have effect on future increments, was imposed.

The impugned order is assailed, mainly, on the ground that the withholding of increment for one year with effect on future increments amounts to a major penalty, which could not have been imposed without conducting regular enquiry, and, therefore, the impugned order is contrary to law. In support of his submission, learned counsel relied upon a decision of a learned Single Judge of this court dated 8th September, 2005 rendered in W.P. No. 19218 of 2005 and batch, holding that the stoppage of increments with cumulative effect without conducting any departmental enquiry is illegal, and, modifying the impugned orders to that of inflicting such punishment without cumulative effect, but not entitled the petitioner for any monetary benefit in the form of payment of arrears on that account, and, the decision of a Division Bench of this Court confirming the same in *Depot Manager, APSRTC v. K.Adi Reddy* ([1]), wherein it was held that withholding of increments with cumulative effect would squarely be a major penalty and it would attract the regular procedure under the regulations for an enquiry after following due notice and opportunity.

Following the judgments, impugned order to the extent of holding that it shall have effect on future increments of the petitioner, is set aside. However, the punishment of deferment of increment for one year shall remain, but without effect on future increments of the petitioner. The petitioner shall not be entitled for any arrears of salary on account of modification in the punishment.

The writ petition is partly allowed, to the extent indicated above. No order as to costs.

R.Subhash Reddy, J.

September 20, 2006
MAS.

[1] 2006(4) ALT 566 (D.B)s